

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
MINUTES

FILED
DISTRICT COURT OF GUAM

HONORABLE JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge

JAN 17 2007

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CV-06-00039

DATE: 01/16/2007

CAPTION: Wen Yueh Lu -vs- United States of America

COUNSEL FOR PETITIONER:

DANIEL J. BERMAN

COUNSEL FOR RESPONDENT:

KARON JOHNSON

CASE NO. MJ-06-00031

CAPTION: United States of America -vs- Wen Yueh Lu

DEFT: WEN YUEH LU

(X) PRESENT () CUSTODY (X) BOND () P.R.

ATTY : MARK SMITH / DANIEL J. BERMAN

(X) PRESENT (X) RETAINED () FPD () CJA APPOINTED

Courtroom Deputy: Virginia T. Kilgore

Official Court Reporter: Wanda Miles

U.S. Probation Officer: Carleen Borja (8:42:29 - 9:31:42)

Hearing Electronically Recorded: (8:42:29 - 9:31:42; 2:03:55 - 2:14:40)

Interpreter: Foo Mee Chun Clinard, previously sworn

Language: Chinese Mandarin

Law Clerk: Judith Hattori

CSO: F. Tenorio

USMS: G. Perez

Civil Case No. 06-00039

- ▶ **Motion for Disqualification of Daniel J. Berman and to Vacate Order Setting Briefing and Hearing Dates - The Court denied the motion in the civil case and limited Mr. Berman's role in the criminal case.**
- ▶ **Petition for Writ of Habeas Corpus - Mr. Smith indicated this would be moot if the Court permits defendant to waive his presence pursuant to Federal Rules of Criminal Procedure 43(b)(2).**

MJ-06-00031

- ▶ **Motion for Disqualification of Daniel J. Berman and to Vacate Order Setting Briefing and Hearing Dates - The Court denied the motion in the civil case and limited Mr. Berman's role in the criminal case.**
- ▶ **Government's oral motion to disqualify Mr. Smith was denied.**
- ▶ **Motion for Modification of Release Bail Conditions - Moot.**
- ▶ **Motion Waiving Defendant's Presence and Acceptance of Waiver - Granted. Order to be issued by Court.**

NOTES:

Mr. Smith's oral motion to release defendant's passport was granted. The Court ordered that the copy of defendant's waiver of conflict of interest be lodged under seal. No further written orders will be issued as to these matters.